UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois − CM/ECF LIVE, Ver 3.1.3
Eastern Division

Robert Jackson, et al.

Plaintiff,

v.

Case No.: 1:06−cv−00493
Honorable David H. Coar

Sheriff of Cook County, et al.

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Wednesday, May 14, 2008:

MINUTE entry before Judge Honorable Jeffrey Cole:Motion hearing held. Oral arguments heard. The plaintiff has moved to compel the defendant to pay approximately 3,106 claims that he contends were timely filed, that is by March 31, 2008, and to allow payment of approximately 67 admittedly late claims. The Sheriff has objected on a number of grounds, the first being that March 31, 2008 was not the outside date by which to measure timeliness under the Settlement Agreement. The original date for the filing of claims had been extended by Judge Coar on various occasions, the last extension being granted on 12/6/07. That extension came in response to class counsels request for guidance to assist him in responding to claims that were filed after November 22, 2007 −− the date to which Judge Coar had extended the date for the filing of claims under the Class Action Settlement Agreement. The motion had proposed various solutions to deal with the issue. After reviewing those proposals, Judge Coar entered a minute order that stated "the time for filing claims is extended to March 31, 2008." The defendant contends that Judge Coar meant only to extend the filing date for those claims that were already late. (i.e, that were received after November 22nd). I think that an untenable reading of the order. If that were Judge Coar' intent, the order would have provided that the post−November 22nd claims would be deemed timely. Alternatively, the order would have adopted one of class counsel's alternative remedial mechanisms suggested in his December 3rd motion. [#262]. Judge Coar chose a different, more encompassing, and administratively easier solution: he simply extended the filing date across the board. The defendant's second concern is what he has characterized as the lack of diligence by class counsel in informing him of the existence of more than 3,000 claims which class counsel says were timely filed in accordance with Judge Coar's December 6th minute order. While it would have been perhaps better had this information been provided at an earlier time to the Sheriff, nothing in the Sheriff's responsive brief supports the conclusion that timeliness under the settlement agreement is a function of the date of notification to the Sheriff. The Sheriff is certainly entitled to an appropriate certification by class counsel that the approximately 3,000 plus claims at issue and there appear to be slightly more than the 3,106 referred to in the motion are valid and timely. Accordingly, class counsel is instructed by Friday, May 16, 2008, to file an appropriate certification regarding these claims that provides that the claims are valid and timely and explains in an overall way the basis for the conclusion. Beginning immediately, class counsel is also instructed to provide comprehensive reports on a weekly basis to counsel for the Sheriff regarding claims received. This obligation shall remain in effect until further order of court. The content of the reports is to be agreed upon by counsel for the Sheriff and class counsel. If they cannot agree on the content, the court will specify what should be included in the reports. Class counsel has orally moved to withdraw Part B of the motion which is to allow payment of late claims. That motion is granted without prejudice. The motion to require payment of valid and timely filed claims is granted subject to the conditions set forth herein. If the Sheriff seeks to contest the adequacy of the certification required under this order, he is free to do so within 7 days of receipt of the certification. Advised in open court.(cdh,)

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